

Message Text

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APPROVED BY: EUR/WE:ROWELL
-----078058 110506Z /23
O 110134Z APR 78
FM SECSTATE WASHDC
INFO AMEMBASSY MADRID IMMEDIATE 2326

UNCLAS STATE 092208

E.O. 11652: N/A

TAGS: N/A

SUBJ: ENFORCEMENT REPORT/FIXED GEAR INCIDENT

FOLLOWING REPEATE USCOAST GUARD CUTTER VIGOROUS DTG 101679Z
DTD 10 APR 78
SENT ACTION COMLANTAREA COGARD NYN INFO CCGDONE BOSTON,
CCGDTREE NY,HCCGDFIVE PORTSMOUTH VA, COMDT COGARD WASH DC.C.
SECSTATE WASHDC, NMFS GLOUCESTER MA, USCGC VIGILANT,

QUOTE

UNCLAS
ENFORCEMENT REPORT
FIXED GEAR INCIDENT
A. STA CHATHAM 091920Z APR 78
1. SITUATION
A. 0816R BOARDING PARTY ABOARD SP FV COSTA DE NORUEGA. BEGAN
INVESTIGATION
B. FOUND 16 UNMARKED LOBSTER TRAPS ABOARD. FROM LOGS AND
FATHOMETER, ACTUAL HAULBACK WHICH RESULTED IN DISTURBANCE OF FIXED
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GEAR OCCURED WHEN FFV IN POSIT 39-58.2N 69-37.0W
BETWEEN 100-200 FATHOMS AT 090945Z APR 78. VSL OWN FATHOMETER
RECODER SHOWED 110 FATHOMS. NMFS AGENT MURPHY ON BOARD WITNESSED
READING AND IN FACT CONFISCATED RECORDER CHART.

C. ADDITIONAL INVESTIGATION SHOWS F/V COSTA DE NORUEGA HAS
SINCE 6 APR 78 CONSISTENLY FISHED WITHIN 2 NM OF CG REPORTED
FIXED GEAR AREA AND BETWEEN 100-200 FATHOMS. NMFS OBSERVER HAS

PERSONAL LOG RECORDS AND PHOTOGRAPHS INDICATING THAT HAULBACKS TAKEN IN THESE AREAS RESULTED IN THE REPORTED TAKING OF FIXED GEAR AS FOLLOWS

- 1) 6 APR 2 TRAPS NOT RPTD
- 2) 7 APR 1 TRAP NOT RPTD
- 3) 8 APR 1 TRAP NOT RPTD
- 4) 9 APR 12 TRAPS RPTD BY NMFS OBSERVER ON ALTAMAR

NMFS OBSERVER PERSONAL LOG INCLUDES NOTATION "CONTINENTAL SHELF FISH INC." FOR 8 APR HAULBACK. ALL BUT TWO TRAPS WERE IN WORKING ORDER

R

D. AGENT MURPHY ADVISES THAT ON 9 APR COSTA DE NORUEGA PASSED BETWEEN HE SAID THE END BOUYED MARKERS OF A TRAP LINE, ONE END OF WHICH WAS CLEARLY MARKED WITH RADAR REFLECTOR.

E. COSTA DE NORUEGA ONLY COPIES FIXED GEAR BROADCASTS MON-FRI WEEKLY.

F. IN VIEW OF ABOVE EVIDENCE, VSL IN VIOLATION OF PARA 611.11 AS AMENDED

G. FURTHER INVESTIGATION BY BOARDING PARTY REVEALS

1) NET IN USE AVERAGES ONLY 56 MM. VSL WAS GIVEN VIOLATION ON 4 APR FOR USE OF NET AVERAGING ONLY 50 MM.

2) VSL OTHER CITATIONS AND VIOLATIONS SINCE ENTERING FCZ INCLUDE:

A) 13 MAR 78 - FAILURE TO NOTIFY COMMENCEMENT OF FISHING ACTIVITY

B) 13 MAR 78 - FAILURE TO PLOT FIXED GEAR

C) 4 APR FAILURE TO ACCURATELY LOG CATCH OF SQUID

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(3800 ICG ERROR). CORRECTED

D) 10 APR WILL BE CITED FOR FAILURE TO DISPLAY DAYSHAPES IN ADDITION TO ACTION CONTEMPLATED

2. ACTION TAKEN

A. 1045R DETAINED F/V COSTA DE NORUEGA MASTER GIVEN MIRANDA WARNING

B. CONTINUING INVESTIGATION

3. PLANS AND RECOMMENDATIONS

A. IN VIEW OF VSL'S PAST RECORD OF NON COMPLIANCE AND GROSS DISREGARD OF REGS PERTAINING TO OPERATING IN VICINITY OF FIXED GEAR. AND FOR USE OF IMPROPER MESH NET SIZE. RECOMMEND SEIZURE OF F/V COSTA DE NORUEGA. NMFS AGENT CONCURS.

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NNN

Message Attributes

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